IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THURSDAY THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND SEVEN
:PRESENT:

THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE S. ANANDA REDDY

LETTER PATENT APPEAL No. 116 of 1997

(Letters Patent Appeal under Clause 15 of the Letters Patent against the Order made in A.S.No.1272 of 1991, dated 18-10-1994 on the file of the High Court)

Between:

Sri. Mahalakshmi Dal Mills rep. by
1. Hemaraj
2. Madanlal
(Both are R/o. Prasadampadu, Vijayawada)

Appellants

AND

1. Sistla Neelagriva Sastry (died)
2. Sistla Chandrasekhara Sastry
3. Sistla Prabhakar Rao Sastry
4. Sistla Venkata Krishna Sastry,
5. Sistla Ram Prasad
6. Sistla Subrahmanya Sastry
7. Sistla Madhusudan
8. Sistla Satya Sai Prasad
(2 to 8 are S/o. S. Neellagriva Sastry, R/o.Museum Road, Governorpet, Vijayawada)
9. Potluri Babu Rao, S/o. P. Soma Brahmaiah, D.No.29-23-27,Tadepallivari Street, Suryararaopet, Vijayawada

Respondents

Counsel for the Appellants: SRI. S. SURYA PRAKASA RAO
Counsel for the Respondents

The Court made the following Order:

"The property in litigation was handed over to the appellant in LPA 116 of 1997, by name Madanlal. On earlier occasion, when the case was being argued, it transpired that the dispute actually before this Court was with reference to certain amounts, which the appellant had not deposited, as directed. But, there was no dispute with regard to entitlement of the respondents to the property. Therefore, the appellant was directed to hand over the property to the respondents. The appellant was present and agreed to hand over the property back to the respondents and sought time for that. The case was listed thereafter, and the appellant and respondents informed that the major part of the property was in the hands of about 12 persons and they were in occupation.

Under the above circumstances, we have directed the appellant, who had been given custody of the property by the Court, to hand over the vacant possession of the property back to the respondents through the Court, which he has not done so far. Today, he is present before

this Court and submits that without his knowledge, some people have occupied the premises. As he was the custodian of the property, as appointed by this court, his duty is to look after the property, and in fact, if there is any encroachment, he has to approach the Court, which he has not done. As a matter of fact, earlier, the property was given into the custody of a Receiver which order was changed only at the instance of the appellant

Therefore, we are convinced that the appellant has violated the orders of this Court and also of the trial Court, appointing as custodian of the property. A direction is given to him to hand over the vacant possession of the property to the respondents immediately through the Court, within a period of two weeks from today, and he is also given a contempt notice as to why he should not be prosecuted against for committing contempt of the orders of this court as well as the Subordinate Court. He shall file his counter/explanation to the notice for intimation of contempt proceedings, within a period of two weeks.

List after two weeks."

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. Hemaraj, S/o. not known, Sri. Mahalakshmi Dal Mills, R/o. Prasadampadu, Vijayawada, Krishna District.
2. Madanlal, S/o. Hemaraj, Sri. Mahalakshmi Dal Mills, R/o. Prasadampadu, Vijayawada, Krishna District. (1 and 2 BY RPAD)
3. One CC to Sri.S. Suryaprakasa Rao, Advocate, High Court of A.P., Hyderbad **(BY SPL.MESSENGER)**
4. The Section Officer, O.S. Section, High Court of A.P.,Hyderabad (**(BY SPL.MESSENGER)**
5. Two Spare Copies

KK

HIGH COURT

BNJ & SARJ

DT. 26-7-2007

NOTE: LIST AFTER TWO WEEKS

ORDER

LPA.NO.116 OF 1997

DIRECTION

Drafted by KK
Drafted on: 27-7-2007

HIGH COURT

BNJ & SARJ

DT. 26-7-2007

NOTE: LIST AFTER TWO WEEKS

ORDER

LPA.NO.116 OF 1997

DIRECTION